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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/561,065	02/24/2006	Leopoldo Bevilacqua	163-671	3955
47888 7590 07/28/2008 HEDMAN & COSTIGAN P.C. 1185 AVENUE OF THE AMERICAS NEW YORK, NY 10036				
EXAMINER				
KIM, CHRISTOPHER S				
ART UNIT		PAPER NUMBER		
3752				
MAIL DATE		DELIVERY MODE		
07/28/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/561,065

Applicant(s)

BEVILACQUA ET AL.

Examiner

Christopher S. Kim

Art Unit

3752

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-11,13-15,17 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-11,13-15,17 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. The reply filed May 20, 2008 is acknowledged.
2. The status indicator of claims 7-10, 15, 18 read "original" but the claims indicate changes have been made to the claims. Future amendments failing to comply with 37 CFR 1.121 will be held non-responsive.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Information Disclosure Statement

4. The information disclosure statement filed May 23, 2008 fails to comply with 37 CFR 1.97(c) because it lacks a statement as specified in 37 CFR 1.97(e). It has been placed in the application file, but the information referred to therein has not been considered.

Claim Rejections - 35 USC § 112

5. Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

Claim 1 recites the limitation "the assembly and blockage" in line 5. There is insufficient antecedent basis for this limitation in the claim.

In claim 1, line 9, the recitation "wherein further wherein" appears to be grammatically incorrect.

The term "safe" in claim 1 is a relative term which renders the claim indefinite. The term "safe" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. It is uncertain what constitutes "safe."

Claim 3 recites the limitation "the inflow feeding of water" in line 5. There is insufficient antecedent basis for this limitation in the claim.

Claim 3 recites the limitation "the outflow distribution of water" in lines 6-7. There is insufficient antecedent basis for this limitation in the claim.

Claim 3 recites the limitation "the vaporization nozzles" in line 8. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "said collector" in line 3. It is uncertain which of the "at least one collector" it is referencing when the "at least on collector" if there is more than one collector.

Claim 7 recites the limitation "the housing and fixing" in lines 4-5. There is insufficient antecedent basis for this limitation in the claim.

Claim 8 depends on itself.

Claim 8 recites "...so as to be out of axis 90° and/or 180°." What is the reference of the degree measurement? How are the openings arranged in both 90 and 180 degrees?

Claim 9 recites the limitation "the ends" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 10 recites the limitation "the passage" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 10 recites the limitation "the circulating water" in line 5. There is insufficient antecedent basis for this limitation in the claim.

Claim 11 recites the limitation "the various plant components" in line 6. There is insufficient antecedent basis for this limitation in the claim.

Claim 11 recites "envisaged" in line 4. Would a mere thought or contemplation constitute infringement?

Claim 13 recites the limitation "said second assembly tighteners" in lines 3-4. There is insufficient antecedent basis for this limitation in the claim.

Claim 13 recites the limitation "vaporization nozzles" in line 5. There is insufficient antecedent basis for this limitation in the claim.

Claim 13 recites "compatible with physico-chemical properties of circulation water." It is uncertain what is being defined by the term "compatible."

The term "highly" in claim 14 is a relative term which renders the claim indefinite. The term "highly" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. It is uncertain what level of corrosion resistance is being defined by the claim.

Claim 14 recites "compatible with operating pressures." It is uncertain what is being defined by the term "compatible."

Claim 11 recites "envisaged" in line 7. Would a mere thought or contemplation constitute infringement?

Claim 15 recites "it includes..." It is uncertain what "it" is in reference to. Additionally, claim 1 recites the transitional phrase "consisting of."

Claim 15 recites the limitation "the assembly components" in lines 4-5. There is insufficient antecedent basis for this limitation in the claim.

Claim 15 recites the limitation "said washers and/or sealing units are resistant to operating pressures" in lines 5-6. In what manner are the washers and/or sealing units resistant to operating pressures?

Claim 17 recites the limitation "said blocking element" in line 3. Claim 1 defines that there is a blocking element in correspondence with the nozzles. Therefore, there is more than one blocking element. It is uncertain which blocking element is being further defined by claim 17.

Claim 17 recites the limitation "its base" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 17 recites the limitation "the second tightener" in line 6. It is uncertain which of the second tighteners it is referencing.

Claim 17 recites the limitation "its free ends" in line 7. There is insufficient antecedent basis for this limitation in the claim.

Claim 17 recites the limitation "suitable" in line 7. It is uncertain what constitutes "suitable."

Claim 18 recites the limitation "said blocking element" in line 3. Claim 1 defines that there is a blocking element in correspondence with the nozzles. Therefore, there is more than one blocking element. It is uncertain which blocking element is being further defined by claim 18.

Claim 18 recites the limitation "the nozzle" in line 5. It is uncertain which of the nozzles it is referencing.

Claim 18 recites the limitation "the second tightener" in lines 9-10. It is uncertain which of the second tighteners it is referencing.

Future amendments failing to comply with 35 U.S.C. 112, second paragraph and U.S. practices will be held non-responsive.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher S. Kim whose telephone number is (571) 272-4905. The examiner can normally be reached on Monday - Friday, 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Len Tran can be reached on (571) 272-1184. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3752

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher S. Kim/
Primary Examiner, Art Unit 3752

CK